

REMARKS

By this amendment, claims 1-39 and 42-45 are pending, with claims 1-16 and 42 being withdrawn from consideration by the Examiner in response to a prior restriction election by Applicant of Group II. Claims 17, 23, 34 and 35 are amended herein to better clarify the claimed invention. Specifically, claim 17 and 31 have been amended to overcome a rejection under 35 U.S.C. § 103(a). Claims 35 and 40 have been cancelled herein, without prejudice or disclaimer, rendering the rejections under 35 U.S.C. 112 moot. No new matter has been added by these Amendments. In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 USC § 103

Claims 17-19, 22-31, and 33-41 stand rejected under 35 U.S.C 103(a) as being unpatentable by JD Power and Associates Report (“JD Power”), in view of U.S. Patent No. 6,449,766 to Fleming (“Fleming”), further in view of U.S. Patent No. 5, 999,908 to Abelow (“Abelow”). Claims 20-21 and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable by JD Power and Associates Report in view of Fleming, U.S. Patent No. 6,449,766 further in view of U.S. Pub. No. 2005/0086530 to Goddard (“Goddard”). Applicants respectfully traverse these rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of

success. Finally, the reference or references, when combined, must disclose or suggest all of the claim limitations. The motivation to modify the prior art and the reasonable expectation of success must both be found in the prior art and not based upon a patent applicant's disclosure. *See in re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicants submit that the references of record, whether taken singly or taken in combination, fail to disclose or suggest all the claimed limitations.

Amended independent claims 17, 31 and 35 each recite, in part:

the product attributes including images, color, textures, movement, light, noise, smell and taste (Emphasis added)

Further amended independent claim 35 recites, in part:

wherein the first component provides predetermined attractiveness scores prior to a market introduction of the product. (Emphasis added)

However, JD Powers is directed to a study of vehicles based on responses of 16,000 vehicle owners who rated their experiences with their vehicles. (JD Powers page

1, second full paragraph after “FOR IMMEDIATE RELEASE”). This is contrary to the claim language requirements of amended claims 17, 31 and 35. In JD Powers, consumers are already owners of the product (vehicles). Therefore, attractiveness scores associated with one or more product attributes cannot be provided prior to market introduction of the product. Moreover, the consumers in JD Powers are creating essentially post-determined scores. Therefore, JD Powers does not disclose or suggest all the limitations of independent claims 17, 31 and 35. Fleming is directed to a multimedia system that includes a rating system such as MPAA or television rating system for use after market introduction. Fleming therefore fails to cure the deficiencies of JD Powers. Abelow is directed to a customer providing feedback to a designer or manufacturer [Abstract and Summary]. A customer can only be a customer after market introduction. Hence, since a customer is providing feedback, it must necessarily be after market introduction.

Further, claims 17, 31 and 35 have been amended to recite, in part:

the product attributes including images, color, textures, movement, light, noise, smell and taste (Emphasis added)

Applicants submit that JD Powers, Fleming, and Abelow, whether taken alone or in combination, discloses or suggests all the limitations of independent claims 17, 31 and 35, and that claims 17, 31 and 35 are allowable.

Applicants submit that those claims depending from independent claims 17, 31 and 35 are allowable at least because of their dependency. Moreover, no other document of record including Goddard supplies the missing features of JD Powers, whether taken singly or in combination.

Since none of the references discloses or suggests all the claimed limitations, whether taken singly or when taken in combination, Applicants submit that the claims 17-41 are allowable and that all the rejections under 35 U.S.C. 103(a) should now be withdrawn.

Support for Amendments

Support for the amendments to claims 17, 31 and 35 may be found at least at paragraph [0017].

Conclusion

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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Date: March 16, 2010

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